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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,529	11/16/2001	Shelton Louie	1205-009/JRD	4344

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EXAMINER
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MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,529

Applicant(s)

LOUIE ET AL.

Examiner

Steven B. McAllister

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (2004/0036623) in view of Erickson et al (2002/0180588).

Chung inherently shows receiving a prescription order since it shows filling one, and the order must be received to be filled; tagging the order with an RFID tag that travels with the order.

Chung does not show that the RFID tag has a worker signaling device or activating the device. Erickson et al show an RFID tag having a worker signaling device comprising a transducer (an LED as described e.g., par. 41) and activating the device. It would have been obvious to one of ordinary skill in the art to modify the method of Chung by using the tag of Erickson et al in order to allow ease locating specific items.

As to claim 2, Chung in view of Erickson et al show all elements of the claim except providing a plurality of alert devices. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method Chung by providing a plurality of alert devices, such as different colored LEDs, in order to different statuses.

As to claim 5, Chung in view of Erickson et al show all elements of the claim except providing a speaker as the transducer. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method Chung by providing a in order to allow the user to detect the signal without having to look in its general direction.

As to claims 6 and 8, Chung in view of Erickson et al show all elements of the claim except providing a plurality of independently operable alert devices. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method Chung by providing a plurality of independent alert devices, such as different colored LEDs, in order to different statuses.

As to claims 6 and 7, Chung in view of Erickson et al show all elements of the claim except providing a plurality of lights and a speaker. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method Chung by providing a plurality of lights and a speaker, such as is often done in scanners, in order to different statuses and to provide an indication without looking directly at the item.

As to claim 9, Erickson et al show the step of activating the device via a wireless command from a transmitter connected to a computer.

As to claims 10 and 11, Chung shows tracking the RFID tag based on proximity to the tag readers.

As to claim 12, Chung in view of Erickson et al show all elements of the claim except displaying the location of the tag on a computer monitor. However, to do so is

notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method Chung by showing the tag's location on a monitor in order to show the user the general location wherein the particular location would be verified upon seeing the LED.

As to claim 13, Chung in view of Erickson et al show all elements of the claim (see e.g., par. 18 of Erickson et al).

As to claim 14, Chung in view of Erickson et al show all elements of the claim except that the timer is on the tag. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method Chung by putting the timer on the tag in order to remove load from the central system and transmitter.

Alternatively, Chung in view of Erickson et al show all elements of the claim except that the timer is on the tag. However, it would have been an obvious matter of design choice to place the timer on the tag since the placement of the timer solves no particular problem or is for no specific purpose and it appear that the system would function equally well in either configuration.

As to claim 15, Chung in view of Erickson et al show a timer associated with a computer.

As to claim 16, Chung in view of Erickson et al show that the alert is initiated by the worker using the computer wirelessly connected to the tag (see e.g., par. 41 of Erickson et al).

As to claim 17, Chung in view of Erickson et al show automatically initiating the alert signal in response to predetermined criteria (see e.g. par. 43 of Erickson et al).

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of De La Huerga (2001/0017817).

Chung shows a tag secured to a prescription order. Chung does not show that the tag has a worker signaling device, a timing element, or a controller for activating the device. De La Huerga shows a signaling device; a timing element; and a controller for triggering the signaling device in response to a predetermined criteria. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Chung by adding the features of De La Huerga in order to provide assistance to the patient in taking his medication.

As to claim 19, the worker signaling device is a transducer.

As to claim 20, Chung in view of De La Huerga show a plurality of transducers 132, 134, 136 and a controller. It does not explicitly state that it activates the transducers indendently in response to different criteria. However, it is notoriously old and well known in the art to do so. (For instance, to activate 132 to show the time and independently activate 132, 134 upon time to take medication). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Chung by doing so in order to allow the user to gauge when he needs to take his medication and to be reminded when he forgets.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven B. McAllister

**STEVE B. MCALLISTER  
PRIMARY EXAMINER**